

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

MINUTES

REGULAR COUNCIL MEETING COUNCIL CHAMBERS JUNE 21, 2005 9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:05 a.m. Mayor John Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega and Beto O'Rourke. Absent: None. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. International Day Against Drug Abuse and Drug Trafficking
2. I&R Platoon 394TH Regiment Month
3. KFW CHANNEL 40 "MAS MUSICA TV"

CALL TO THE PUBLIC - PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at www.cityclerks@elpasotexas.gov for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker

The following members of the public commented:

1. Mr. Ray E. Gilbert, Jr. commented.
2. Mr. Thurman Reynolds commented on confiscation of video gaming machines.
3. Mr. Walt Phillips commented on respect for City Council and City Council meetings.
4. Mr. Jim Kelly commented on the opposition to the renewal of ASARCO's air quality permit.
5. Ms. Esther Perez commented on stronger City ordinances and incorporating Neighborhood Associations.
6. Mr. Roberto Lerma, "We The People": spoke on "A Vision Masterplan".
(copy on file in the City Clerk's Office)
7. Ms. Lisa Turner commented on flags flown at City Hall Facilities.

Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

The following members of the public commented:

1. Ms. Lisa Turner, citizen, commented on the Resolution regarding the Housing Rehabilitation application and amplification permits for the Christian Joy Center and the Franklin Hills Ladies Group.
 - Mayor John Cook and Representative Presi Ortega, Jr. responded to Ms. Turner's comments addressing the Resolution regarding the Housing Rehabilitation application. Representative Presi Ortega, Jr. suggested that a Legislative Review Committee of the Community and Human Development Department be convened to further address Ms. Turner's concerns.

The following City staff members responded to comments made by Ms. Turner:

1. Ms. Joyce Wilson, City Manager
 2. Mr. Alan Shubert, Director of Building Permits and Inspections
2. Mr. Richard Schechter, citizen, commented on the Purchase Order to Kustom Signals, Inc. for the Police Department, the Request for Proposal, Solicitation No. 2005-179R, Aircraft Insurance for Police Department, Bids for Solicitation No. 2005-192, Helicopter Main Rotor Blades and Solicitation No. 2005-201, Oxygen Services.
 - Representative Lozano responded to Mr. Schechter's comments regarding the Purchase Order to Kustom Signals, Inc.

The following City staff members responded to comments made by Mr. Schechter:

1. Mr. Byron Johnson, Director of Purchasing
 2. Commander Eric Shelton, Special Support Division, El Paso Police Department
 3. Assistant Fire Chief Manny Chavira

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Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of June 14, 2005 and Minutes for Special City Council of June 13, 2005 (Canvassing the Votes for the 2005 Run-Off Election).
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*R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following Housing Rehabilitation application and funding be approved in the amounts shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved application.

Application No.: H05-04-IO/CD/RG-0323	HOME Loan:	\$52,000.00
	HOME Grant	<u>\$13,000.00</u>
	Total	\$65,000.00

Address: 1011 N. Clark (79905)
Interest at zero percent (0%)

And that the City Manager be authorized to sign a Community Development Investor-Owned Terms Contract between the City and owners Angel and Pomposa Rivera and a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) between the City, Alpine Remodeling Inc, and Angel and Pomposa Rivera, relating to a Community Development Rehabilitation Loan Application No. H04-12-IO/CD/RG-0322.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Underground Electrical Easement to the El Paso Electric Company for a portion of Lot 75, Block 41, Vista Real Unit 3, Amending Subdivision, El Paso, Texas to provide electrical service to 3475 Nolan Richardson Dr., Fire Station No. 33.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Underground Electrical Easement to the El Paso Electric Company for a portion of Block 80, Section 30, Township 1, Texas & Pacific Railroad Surveys, El Paso, Texas to provide electrical service to 11270 McCombs Rd., Northeast Regional Park.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **Art Museum Registrar** is hereby revised as specified in the duties and responsibilities attached hereto. The Code shall be **5117**. The Grade shall be **PM 73**.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract between the CITY OF EL PASO and SALVADOR GONZALEZ-AYALA to assist the Metropolitan Planning Organization (MPO) office.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to execute a Contract with Odell S. Holmes, Jr., Judge of the Municipal Court of Appeals, to provide clerical and other support for the administration of the court.

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*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **SET A PUBLIC HEARING** to be held before the City Council, the governing body of the City of El Paso, in the City Council Chambers at City Hall, 2 Civic Center Plaza, El Paso, Texas on Tuesday, July 26, 2005 at 9:00 o'clock a.m. or following thereafter in accordance with the agenda. In accordance with Texas Parks and Wildlife Code Section 26.001 and 26.002, the purpose of the public hearing is to receive and consider clearly enunciated local preferences regarding the project known as the Pico Norte Park Elevated Reservoir Water Tank.

*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request for the following name to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Bailon, Alfredo – Automotive Technician II

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*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Airport Operations Officer (1)
Fund Source: 62620001-40101-62000

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*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the following provisional appointments in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Aviation Operations & Security Assistant Director (1)
Fund Source: 62620001-62000-40101
- B. Senior Grants Planner (1)
Fund Source: 71150047-10039-71000-G7130CD0002-501000
- C. Accountant I (1)
Fund Source: 05010017-01101-05000
- D. Transit Coin Sorter Operator II (1)
Fund Source: 60600001-40345-60000
- E. Clerk Typist II (1)
Fund Source: 54010249-01101-54000

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*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the Staffing Table Change for Museum of Art

Add	1.00	Art Museum Registrar	PM 73
Delete	1.00	Art Museum Registrar	PM 70

Fund Source: 54010331-01101-54000

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*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **INCLUDE** street lights into maintenance agreement adopted on September 2, 2003 between The City of El Paso and The El Paso Electric Company at the following locations.

Installation of these residential street lights were approved by City Council on May 24, 2005.

Eight (8) street lights in the San Juan area at various locations as per below addresses (as per drawing) in the amount of \$5,047.00.

(Funding from Account #508036; Fund #07682; Project #G7128CD0023)

- 1. Between 6285 & 6291 Yandell Drive \$899.00
- 2. Between 6257 & 6275 Tampa Avenue \$899.00
- 3. Between 6220 & 6224 Welch Avenue \$464.00
- 4. Two (2) at Welch St., lights between 2 @ \$464.00
Frederick Rd. & Clark Rd. as per drawing
- 5. Two (2) at Welch St., lights between \$464.00 & \$929.00
Glenwood St. & Frederick Road as per drawing

6.	Between 400 & 402 Frederick Road	\$464.00
	Total	\$5,047.00

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 *Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried that the following tax refunds be **APPROVED**:

- A.** The First American Real Estate Service in the amount of \$3,039.06 overpayment of 2004 taxes.
 (PID #S373-999-002B-1380)
- B.** Wells Fargo R.E. Tax Services in the amount of \$3,045.63 overpayment of 2004 taxes.
 (PID #T287-999-0450-1700)
- C.** Washington Mutual in the amount of 6,938.31 overpayment of 2002 taxes.
 (PID # C813-999-0040-0100)

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 *Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for one (1) additional year, from September 1, 2005, through August 31, 2006, pursuant to the provisions of contract 2002-191, Armored Car Services for Various Departments, with Miracle Delivery Services, El Paso, Texas.

Option No.: ONE [OF ONE]
 Account No.: 06010022-01101-502212 and Various others
 Funding Source: Tax Office Collections-Operating Account- Security Contracts
 Amount: \$18,480.00 Estimated Annually
 Department: Tax

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 *Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to issue a Purchase Order in the amount of \$104,565.00 to Exerplay, Inc. as they are the sole provider of Landscape Structures playground equipment for the West Texas Region. This purchase is for playground equipment components to interface with existing equipment by this manufacturer at various park sites. (Sole Source No. 2005-212).

Furthermore, it is requested that staff be authorized to negotiate, Legal to review and that the City Manager be authorized to sign any and all additional documents and/or agreements as necessary.

Department: Parks and Recreation
 Funds available in: 508027-27075-31131001-P501540
 Funding Source: 1995A Certificates of Obligation (Playground Equipment)
 Amount: \$104,565.00

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 *Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to issue a Purchase Order to Kustom Signals, Inc. in the amount of \$26,260.00, as they are the manufacturer and sole distributor of the SureTalk Retrofit Kits for the "ET" and "EU" systems. This purchase is for retrofitting audio transmitters to existing Kustom Signal and Mobile Vision video systems currently in year model 2002, 2003 and 2004 police vehicles. (Sole Source No. 2005-213).

Additionally, it is requested that staff be authorized to negotiate, Legal to review and that the City Manager be authorized to sign any and all additional documents and/or agreements as necessary.

Department: Police
 Funds available in: 508007-16411-21150060-P500232
 Funding Source: State Confiscated Funds
 Amount: \$26,260.00

*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-190 Multi-Purpose Outdoor Scoreboards

Award to: All American Scoreboards
Pardeeville, WI
Item (s): #1
Amount: \$46,170.00

Department: Parks and Recreation
Funds available: 508004-16064-51159242-P518000090 (\$18,100.00)
508008-16302-51010215-P500202 (\$28,070.00)
Funding source: Parkland Dedication Fees and Park User Fees (Sports)
Total award: \$46,170.00

The Parks and Recreation and Purchasing Departments recommend award as indicated to Bidder offering the Best Value Bid.

This is a fixed-price, single (one-time) purchase, to purchase multi-purpose outdoor scoreboards. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. Bidder offers a 2% prompt payment discount if invoices are paid within ten (10) days.

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*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Request for Proposal Solicitation No. 2005-179R Aircraft Insurance for Police Department

Award to: Stinson & Son Insurance Agency
El Paso, TX
Item (s): All
Amount: \$24,875.00/year

Department: Police
Funds available: 21010069-01101-504402
Funding source: Operating Account-General Liability Insurance
Total award: \$82,336.25 (estimated)

Police and Purchasing recommend award as indicated, Stinson & Son Insurance Agency is the sole proposal meeting specifications

This is a thirty-six month contract with no option to renew.

NOTE: \$24,875.00/Year, 2nd year \$27,362.50 Est./Yr and 3rd year \$30,098.75 Est./Yr.

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*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Bid Solicitation No. 2005-153 Sale of Used Crown Victoria Patrol Cars

Award to: Government Cars Distribution Center
Miami, FL
Item (s): All except Item 16
Amount: \$42,552.00

Department: Fleet Services
Funds available: Revenue
Funding source: Revenue
Total award: \$42,552.00

The Fleet Services and Purchasing Departments recommend award as indicated as this vendor has provided the high, responsive, responsible offer meeting all requirements. Request that all offers for Item 16 be rejected.

This is a fixed-price, single (one-time) contract to sell Twenty-Four (24) surplus patrol cars.

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*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Bid Solicitation No. 2005-192 Helicopter Main Rotor Blades

Award to: Heli-Mart, Inc.
Costa Mesa, CA
Item (s): #1
Amount: \$36,600.00

Department: Police
Funds available: 508007-29209-04200401-PMB0005009
Funding source: 2004 Capital Acquisition – Public Safety
Total award: \$36,600.00

The Police and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase helicopter main rotor blades. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within sixty (60) and/or ninety (90) days from the date of award of the contract.

No prompt payment discount was offered.

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*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **AWARD** Bid Solicitation No. 2005-201 Oxygen Services

Award to: Southwest Airgas Inc.
El Paso, Texas
Item (s): 1 - 6
Amount: \$31,000.00 (estimated annually)

Department: Fire
Funds available: 22010101-01101-503112
Funding source: Operating Account, Emergency Operations, Clinical/Medical Supplies
Total award: \$93,000.00 (estimated)

The Fire Department and Purchasing recommend award as indicated as this vendor is the sole responsible and responsive bidder meeting specifications.

This is a thirty-six (36) month contract with the options to extend the contract for one (1) additional year.

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*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** budget transfer BT2005-1143 ZOO

To establish appropriations for Union Pacific Zoo Grant. The proceeds will be used to purchase medical equipment for the Zoo.

Increase	\$10,000	to	52150001/G52050107321/406002	Loc Grt Proc
Increase	\$10,000	to	52150001/G52050107321/508012	Med/SciEq

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 *Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** budget transfer BT2005-1166 PARKS AND RECREATION

This budget transfer requests a new appropriation to replace the air conditioning unit at Memorial Park Senior Center. The existing unit is completely corroded and not functional. Money is available in Fund Balance.

Increase	\$5,000	to	51510164/P50021816318/407002	Est Rev
Increase	\$5,000	to	51510164/P50021816316/508003	BldgImprvmt

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 *Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Christian Joy Center to use amplification (4 100-watt speakers, 4 microphones and 1 amplifier) at Vista Del Sol Park - 1900 Trawood Dr. on July 4, 2005 from 7:00 a.m. to 7:00 p.m. for a picnic. Approximately 400 persons will take part and 400 spectators are anticipated. PERMIT # 05-069 [Lyndon Mayfield]

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 *Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Franklin Hills Ladies Group to block off Franklin Trail between 6300 and 6337 on June 25, 2005 from 6:30 p.m. to 12:00 a.m. for a block party. Approximately 200 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (4 speakers, 2 amplifiers and 3 microphones). PERMIT # 05-070 [Cheryl L. Palm]

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 *Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Alicia R. Chacon International School to hold a 10th anniversary parade on June 24, 2005 from 9:00 a.m. to 10:30 a.m. Route: Start at 221 Prado to San Miguel, turn right on San Miguel to Paddlefoot, turn left on Paddlefoot to Prado, turn left on Prado and finish at the school. Approximately 875 persons, 2 vehicles, 2 animals will take part and 200 spectators are anticipated. PERMIT # 05-072 [Renee Salas-Garcia]

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 *Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Mision Iglesia Universal de Jesucristo to use amplification (1 amplifier, 2 microphones and 4 speakers) at Boys Club Park – 811 S. Florence St. on June 25, 2005 and June 26, 2005 from 7:00 p.m. to 10:00 p.m. for a church revival. Approximately 25 persons will take part and 50 spectators are anticipated. PERMIT # 05-074 [Raul Raygoza, Sr]

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 *Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the request of Students Against Asarco to use amplification (1 amplifier, 2 speakers and 1 microphone) at Madeline Park – 900 E. Baltimore Dr. on June 25, 2005 from 10:00 a.m. to 3:00 p.m. for a rally. Approximately 15 persons will take part and 100 spectators are anticipated. PERMIT # 05-077 [Jacqueline Barragan]

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A.** An Ordinance granting a franchise to El Paso Electric Company and waiving application procedures.
- B.** An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules) Section 12.88.040 (Schedule IV- Parking prohibited during certain hours on certain streets), Paragraph 12.88.040 (J) (No Parking, 7:00 A.M. to 4:00 P.M.) to include new location on Missy Yvette North of Ben Proctor, East side from addresses 1444 through 12148, and the West Side from addresses 1445 through 12153. The Penalty as Provided in Section 12.84.010 Of The El Paso Municipal Code.
- C.** An Ordinance establishing deadlines and procedures for placing matters on the Agenda for City Council Meetings and repealing Ordinance No. 15791.
- D.** An Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and the County of El Paso, El Paso, Texas which will allow for the City to convey property commonly known as 211 and 325 Shelter Place, El Paso, El Paso County, Texas, including the improvements thereon.

PUBLIC HEARING WILL BE HELD ON JULY 5, 2005 FOR ITEMS A – D

- E.** An Ordinance granting Special Permit No. ZON 05-00031, to allow for a Planned Residential Development on Lots 405, 406, 423 And 424, Sunrise Acres Unit One, El Paso, El Paso County, Texas, pursuant to Section 20.12.040 (Zoning) of The El Paso Municipal Code. The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Applicant: Karma-JKS Properties, Inc. ZON05-00031
- F.** An Ordinance granting Special Permit No. ZON05-00035, to allow for a fire station on Lots 24 - 28, Block 1, Vista Commercial Park, El Paso, El Paso County, Texas, pursuant to Section 20.42.040 (Zoning) of The El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of The El Paso Municipal Code. Applicant: City of El Paso. ZON05-00035
- G.** An ordinance amending the 2025 Proposed Thoroughfare System as detailed in the Map Atlas of the Plan for El Paso and its related documents as originally approved by El Paso City Council in 1999, and as subsequently amended (within specific 4 parcels recently sold in Public Service Board Northeast Master Plan)
- H.** An ordinance incorporating applicable portions of the El Paso Water Utilities' Public Service Board Northeast Master Plan as a specific study area plan into the City's comprehensive plan, *The Plan for El Paso*, and which plan shall amend the Plan for El Paso and the year 2025 General Land Use Map incorporated therein.

PUBLIC HEARING WILL BE HELD ON JULY 12, 2005 FOR ITEMS E - H

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Mayor John Cook and Representatives O'Rourke, Lozano and Lilly commented.

The following members of the public commented on items A, C and H, listed above:

1. Ms. Lisa Turner
2. Mr. Richard Schechter
3. Mr. Ray E. Gilbert, Jr.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Terri Cullen-Garney, Deputy City Attorney
3. Ms. Elaine Hengen, Assistant City Attorney
4. Ms. Richarda Duffy Momsen, City Clerk

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Motion made by Representative Steve Ortega, seconded by Representative Lozano and unanimously carried to **SEND THE ETHICS REVIEW COMMITTEE'S RECOMMENDATIONS** regarding campaign finance limitations **TO THE LEGISLATIVE REVIEW COMMITTEE**.

Mayor John Cook and Representatives Presi Ortega, Jr., Steve Ortega, and Castro commented.

Mr. David Palmer, Chairman of the Ethics Review Committee, commented.

Ms. Lisa Turner, citizen, commented.

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Item: Discussion and action that the City Manager be authorized to direct the City Attorney's office to formulate an ordinance to affect the issuance of civil liability upon an owner's vehicle for creating a dangerous intersection where an intersection camera program is in effect, and that the City Manager be authorized to direct the Purchasing Department to proceed forward in pursuing a proposal for implementation of an intersection camera system to be instituted in the City of El Paso.

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and unanimously carried to **AUTHORIZE THE CITY ATTORNEY'S OFFICE TO FORMULATE AN ORDINANCE**.

Mayor John Cook and Representatives Presi Ortega, Jr. and Steve Ortega commented.

The following City staff members commented:

1. Commander Eric Shelton, Special Support Division, El Paso Police Department
2. Ms. Terri Cullen-Garney, Deputy City Attorney

Mr. Richard Schechter commented.

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Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano and unanimously carried to **APPROVE** the Texas Gas Service's proposed adjustment to its base rates pursuant to the Texas Gas Reliability Infrastructure Program.

Mayor John Cook and Representatives Presi Ortega, Jr., Steve Ortega and Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

Mr. Norman Gordon, outside counsel, responded to questions and/or comments of the Council Members and members of the public.

*Motion made by Representative O'Rourke, seconded by Presi Ortega, Jr. and unanimously carried to **DELETE** an Ordinance authorizing the City Manager to sign a Contract of Sale and any other necessary documents between the City of El Paso and the Humane Society of El Paso, Inc. which will allow for the City to convey property commonly known as 211 and 325 Shelter Place, El Paso, El Paso County, Texas, including the improvements thereon.

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ORDINANCE 16075

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING CHAPTER 2.64 (CITY EMPLOYEES' PENSION FUND) OF THE EL PASO MUNICIPAL CODE REGARDING THE DEFINITION OF FINAL PAY IN THE PENSION CALCULATION.**

Mr. Robert Ash, Pension Administrator, responded to questions of Representative Presi Ortega, Jr.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16076

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING CHAPTER 2.64 OF THE EL PASO MUNICIPAL CODE (CITY EMPLOYEES' PENSION FUND) TO DELETE REFERENCES REGARDING IRS SECTION 415, CLARIFY ELECTIVE EMPLOYEE BUY BACK PROVISIONS BY DELETING PROVISIONS WHICH ARE OBSOLETE AND RENUMBERING SECTIONS IDENTIFIED AS PORTIONS OF SECTIONS 2.64.120, 2.64.140, 2.64.160, 2.64.190, 2.64.200, 2.64.260 AND 2.64.400.**

Mr. Robert Ash, Pension Administrator, commented.

Mayor John Cook commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Presi Ortega, Jr., that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Amendment to Contract between the City of El Paso and G & L Joint Venture amending the Contract dated June 3, 1986, to delete a condition for the property described as a portion of Tracts 1D, 2D, 3D, and 4D, First Supplemental Map of Parkland Addition, in the City of El Paso, El Paso County, Texas.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval.

Motion made by Representative Castro, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPROVE** the above Resolution.

Representative Lozano was not present for the vote.

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ORDINANCE 16077

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACTS 1D, 2D, 3D, AND 4D, FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION AND A PORTION OF LOT 1, BLOCK 1, GOLBERG AND LEHMAN, EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT/OFFICE/SPECIAL CONTRACT), C-1/SC (COMMERCIAL/SPECIAL CONTRACT), AND C-4/SC (COMMERCIAL /SPECIAL CONTRACT) TO R-5/SC (RESIDENTIAL/SPECIAL CONTRACT). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Castro, seconded by Representative Presi Ortega, Jr. that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: None Absent: None
NOT PRESENT FOR THE VOTE: Council Member Lozano

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **DENY** the Ordinance changing the zoning of Lot 108, Block 1, Bischoff Addition, El Paso, El Paso County, Texas from A-3 (Apartment) to C-1 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had denied the zoning change request and responded to questions of Mayor John Cook and Representative Steve Ortega.

Mr. Manuel Carlin, representing Mr. David Amaton Diaz, commented.

The City Clerk called for further public comment. There was no further public comment.

ORDINANCE 16078

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 269 AND ALL OF TRACT 270, SUNRISE ACRES ADDITION, EL PASO, EL PASO COUNTY, TEXAS FROM [R-4 (RESIDENTIAL) TO R-3A (RESIDENTIAL)]. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by Mayor John Cook and Representative Byrd.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Byrd, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16079

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00026, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 269 AND ALL OF TRACT 270, SUNRISE ACRES UNIT ONE, EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

See above Ordinance for discussion.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Byrd, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16080

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF SECTION 21, BLOCK 81, TOWNSHIP 1, EL PASO, EL PASO COUNTY, TEXAS FROM [R-F (RANCH-FARM) TO R-3A (RESIDENTIAL)], AND PARCEL 2: A PORTION OF SECTION 21 AND 22, BLOCK 81, TOWNSHIP 1, EL PASO, EL PASO COUNTY, TEXAS FROM [R-F (RANCH-FARM) TO A-2 (APARTMENT)]. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by Representative Lozano.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Castro, seconded by Representative Presi Ortega, Jr. that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Motion made by Representative Steve Ortega, seconded by Representative Lilly and unanimously carried to **RECESS** the City Council meeting at 1: 20 p.m.

Motion made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr. and unanimously carried to **RECONVENE** the City Council meeting at 2:00 p.m.

NO ACTION WAS TAKEN regarding City Manager's report of current events and issues:

El Paso Electric Franchise Renewal – City Manager Briefing and Recommendations and Question and Answer Session/Discussion by the City Council on the Introduction of the Ordinance.

Mayor John Cook and Representatives Presi Ortega, Jr., Steve Ortega, O'Rourke and Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Richarda Duffy Momsen, City Clerk

The following members of the public commented:

1. Mr. Scott Wilson, Senior Vice President of the El Paso Electric Company
2. Mr. Norman Gordon, outside legal counsel

ADDITION TO THE AGENDA

*Motion made by Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **APPOINT** Augusto Gimenez to the Airport Board by Representative Eddie Holguin, Jr., District 6.

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Motion made Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **MOVE TO THE FOREFRONT** of the Regular Agenda the discussion and action to remove Lisa Elizondo from the position of City Attorney.

Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **RETIRE INTO EXECUTIVE SESSION** at 10:18 a.m. to discuss the above item.

Motion made by Representative Presi Ortega, Jr., seconded by Representative O'Rourke and unanimously carried to **RECONVENE THE CITY COUNCIL** meeting at 10:37 a.m.

Motion made by Representative Byrd, seconded by Representative Steve Ortega and carried to **REMOVE** Lisa Elizondo from the position of City Attorney and that any administrative leave, sick or vacation leave, that is due to Ms. Elizondo be afforded to her.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAY: Representative Castro

Mayor John Cook and Representative Byrd commented.

Representative O'Rourke moved to postpone the item for one (1) week. There was no second to the motion.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Terri Cullen-Garney, Deputy City Attorney

Ms. Lisa A. Elizondo, City Attorney, gave a Powerpoint presentation and commented.
(Powerpoint presentation on file in the City Clerk's Office)

Mr. Richard Schechter commented.

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Motion made Representative O'Rourke, seconded by Representative Presi Ortega, Jr. and unanimously carried to **MOVE TO THE FOREFRONT** of the Regular Agenda the discussion and action to confirm the Mayor's appointment of Charlie McNabb as Interim part-time City Attorney at a salary of \$1.00 per month plus expenses to include: 1) living expenses at the per diem established for City employees for each day of residence in El Paso; 2) reimbursement of up to six (6) one-way refundable coach fares between El Paso and Chicago; and 3) car rental allowance not to exceed \$600.00, such appointment not to exceed one month.

Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **RETIRE INTO EXECUTIVE SESSION** at 10:18 a.m. to discuss the above item.

Motion made by Representative Presi Ortega, Jr., seconded by Representative O'Rourke and unanimously carried to **RECONVENE THE CITY COUNCIL** meeting at 10:37 a.m.

Motion made by Representative Byrd, seconded by Representative Presi Ortega, Jr. and carried to **CONFIRM** the Mayor's appointment of Charlie McNabb as Interim part-time City Attorney at a salary of

\$1.00 per month plus expenses to include: 1) living expenses at the per diem established for City employees for each day of residence in El Paso; 2) reimbursement of up to six (6) one-way refundable coach fares between El Paso and Chicago; and 3) car rental allowance not to exceed \$600.00, such appointment not to exceed one month, to be effective June 27, 2005.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAYS: Representative Castro

Mayor John Cook and Representatives Presi Ortega, Jr., Byrd, Castro, Steve Ortega and Lozano commented.

Representative Castro moved to deny the Mayor's appointment of Charlie McNabb as Interim part-time City Attorney. There was no second to the motion.

Ms. Joyce Wilson, City Manager, stated for the record she would obtain copies of professional job descriptions provided by the Texas Municipal League.

Ms. Lisa Turner commented.

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Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:18 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

ADDN 2.: Discussion and action to remove Lisa Elizondo from the position of City Attorney.

ADDN 3.: Discussion and action to confirm the Mayor's appointment of Charlie McNabb as Interim part-time City Attorney at a salary of \$1.00 per month plus expenses to include: 1) living expenses at the per diem established for City employees for each day of residence in El Paso; 2) reimbursement of up to six (6) one-way refundable coach fares between El Paso and Chicago; and 3) car rental allowance not to exceed \$600.00, such appointment not to exceed one month.

Motion made by Representative Presi Ortega, Jr., seconded by Representative O'Rourke and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 10:37 a.m.

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Motion made by Representative Lozano, seconded by Representative Steve Ortega and unanimously carried to adjourn this meeting at 2:49 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk